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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,550	03/27/2000	Shau-Lin Shue	TS97-232B	4337

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EXAMINER

OWENS, DOUGLAS W

ART UNIT PAPER NUMBER

2811

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,550

Applicant(s)

SHUE ET AL.

Examiner

Douglas W Owens

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,907,772 to Iwasaki in view of US Patent No. 5,656,529 to Fukase.

Regarding claim 19, Iwasaki teaches a cylindrical shaped capacitor structure, comprising:

a bottom polysilicon shape (42A) on a first section of an underlying insulator layer (34), wherein the bottom polysilicon shape overlies and contacts a plug (38) disposed in an opening in the insulator layer; and

vertical conductive polysilicon shapes (Col. 5, lines 7-10 (42B)) on a second section of the underlying insulator layer and adjacent the bottom polysilicon shape.

Iwasaki does not explicitly teach uniformly doped polysilicon shapes, such as a polysilicon layer that is insitu doped. Iwasaki teaches "...a conductor film 42B such as a polysilicon film is deposited on the..." in lines 7 and 8 of column 5. Since the polysilicon film is conductive, it is obviously doped. Iwasaki is silent with respect to how the polysilicon film is doped. However, Iwasaki does not teach performing an implant step after depositing the polysilicon layer. It can be reasonably assumed that the polysilicon layer is doped before or during deposition since it is implied that the film is conductive

when deposited. Insitu doping is one known method of doping polysilicon during deposition. One of ordinary skill in the art would have been required to select a known method of doping the polysilicon, such as insitu doping, as a matter of obvious design choice. An insitu doped polysilicon layer would have inherently been uniformly doped. Additionally, insitu doping would not have required an additional step be performed (an implant step), which would have helped keep the cost of manufacture to a minimum.

Iwasaki does not teach a capacitor dielectric layer and an upper electrode. It would have been obvious to one of ordinary skill in the art to provide these layers since they are critical to the operation of a capacitor.

Iwasaki does not teach an agglomerated metal silicide layer on the exposed portions of the cylindrical polysilicon shape. Fukase teaches a lower electrode for a capacitor having an agglomerated metal silicide layer (8') on the lower electrode. It would have been obvious to one of ordinary skill in the art to incorporate the teaching of Fukase into the device taught by Iwasaki since it is desirable to increase the effective surface area of capacitor electrodes, resulting in greater capacitance.

Regarding claim 20, Iwasaki teaches a capacitor structure, wherein the silicon layer comprises vertical polysilicon shapes connected by a horizontal polysilicon shape.

Regarding claim 21, neither Iwasaki nor Fukase teach a semiconductor device, wherein the silicide layer comprises titanium silicide, cobalt silicide, nickel silicide or platinum silicide. Fukase teaches a semiconductor device, wherein the metal silicide is tungsten silicide or other refractory silicide layers (Col. 6, lines 65-67). Fukase does not explicitly teach a silicide layer chosen from the group consisting of titanium silicide, cobalt silicide, nickel silicide, and platinum silicide. It would have been obvious to one of ordinary skill in the art to select a silicide from the cited group since they are known metal silicides and well suited for the intended use.

Response to Arguments

3. Applicant's arguments filed October 8, 2002 have been fully considered but they are not persuasive.

The applicant argues that the combination of Iwasaki in view of Fukase is not obvious because Iwasaki did not utilize the teaching of Fukase. In response to the applicant's question as to why Iwasaki did not use the teaching of Fukase, Iwasaki, who filed patent application No. 08/806,420, now patent No. 5,907,772, may not have been aware of the teachings of Fukase, patent No. 5,565,529 which published in August 12, 1997, several months *after* Iwasaki filed an application for a patent. Additionally, the fact that one inventor did not utilize the teaching of another is not considered a proper rebuttal against an obviousness rejection. A determination of obviousness is set forth under a set of factual inquiries stemming from *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). A requirement of one inventor incorporating the teachings of another inventor is not one of the tests set forth in *Graham v. John Deere*.

The applicant further argues that it is not reasonable on the part of the examiner to equate the conductive layer taught by Iwasaki to the applicant's uniformly doped layer. As stated above, Iwasaki teaches a conductive polysilicon layer, yet is silent with respect to a doping step. One having ordinary skill would have been required to select a known doping method. In situ doping is one of such well known methods, which would have resulted in a uniformly doped layer as evidenced by US patent No. 5,966,627 to Brady et al. in lines 17 – 22 of Col. 1; US patent No. 6,124,614 to Ryum et al. in lines 63 – 66 of Col. 5; and US patent No. 6,417,565 to Komatsu in lines 43 – 46 of Col. 16.

It is known and understood in the art that the amount of capacitance is directly related to the effective surface area of the capacitor plate. As admitted by the applicant, it was a goal of Iwasaki to increase the surface area of the capacitor electrodes. Since

Fukase teaches a way of further increasing the effective surface area, it would have been obvious to incorporate the teaching of Fukase into the teaching of Iwasaki because the teaching shares the common goal of increasing effective surface area.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas W Owens whose telephone number is 703-308-6167. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 703-308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

DWO
December 28, 2002

A handwritten signature in cursive script, appearing to read "Steven Loh".